IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE D.S.R. VARMA
And
THE HON'BLE MR. JUSTICE P.SWAROOP REDDY

WRIT PETITION NO. 17891 OF 2006

Dated: 18th September, 2006

Between:

Baikadi Nanne Basha

Petitioner

AND

The Station House Officer,
Dornipadu Mandal Police Station,
Kurnool District and three others

Respondents

ORAL ORDER: **(per the Hon'ble Sri Justice D.S.R.Varma)**

Heard the learned Government Pleader for Home, representing the learned Advocate General, appearing for the respondents.

2. This is a taken up writ petition on the strength of a

petition, dated NIL, sent to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, Hyderabad, by the petitioner by name Mr. Baikadi Nanne Basha s/o Syed Khasim Saheb, complaining that his father Mr. Syed Khasim Saheb was killed by one Khattubadi Basha and also about the non-execution of non-bailable warrant issued on 17.4.2006 in S.C.No.59 of 2006 on the file of III Additional Sessions Judge, Nandyal, Kurnool District, against the said Khattubadi Basha and further sought action in respect of killing of his mother by name Smt. Pakkirama by the said accused Khattubadi Basha.

3. In response to the notice issued by this Court, counter affidavit is filed by the Sub-Inspector of Police, Dornipadu, Kurnool District, stating, *inter alia*, that on a complaint lodged by the father of the petitioner by name Syed Khasim Saheb, dated 15.7.2005, a case in Crime No.25 of 2005 for the offence punishable under Sec. 324 IPC was registered and after completion of investigation, charge sheet was also filed altering the Section of Law to Sec. 302 IPC, which was taken on file and registered as S.C.No.59 of 2006 on the file of III Additional Sessions Judge, Nandyal. It is further stated that the mother of the petitioner, by name Smt. Pakkirama, had committed suicide on 20.7.2006 and basing on the complaint of the petitioner, a case in Cr.No.50 of 2006 under Sec. 174 Cr.P.C., was registered and after due investigation, a final report was filed before the Executive Magistrate, referring the case as 'action dropped'. Hence, it is denied that the mother of the petitioner was killed by the accused, for which a case in Cr.No.50 of 2006 was registered.

4. In the meanwhile, the accused had obtained bail in connection with Crime No.25 of 2005 from the Judicial

First Class Magistrate, Koilakuntla, Kurnool District, and since he was not attending the Court of III Additional Sessions Judge, Nandyal, for the subsequent hearings, non-bailable warrant was issued, which could not be executed till 4.9.2006 and, later on, the accused surrendered before the Court of Additional Sessions Judge on 12.9.2006, who remanded him to judicial custody. It is also stated that in view of the surrender of the accused, there is no threat to the petitioner, as alleged and that in case there is any such threat perception to the petitioner, protection would also be accorded.

5. In view of the fact that the said accused - Khattubadi Basha had already surrendered and is in judicial remand and also having regard to the assurance given by the police, we do not propose to proceed further in the matter.

6. Accordingly, the writ petition is closed, at the stage of admission. No order as to costs.

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D.S.R.Varma, J.

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P.Swaroop Reddy, J.

September 18, 2006.
MAS